

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Joel G. Verenbec

v.

Civil No. 11-cv-161-JL

Edward Reilly, Warden,  
Northern New Hampshire  
Correctional Facility

**O R D E R**

Before the court is petitioner Joel Verenbec's motion for appointment of counsel (doc. no. 13). "[T]here is no constitutional right to representation by counsel in habeas corpus proceedings," and [the Criminal Justice Act, 18 U.S.C.] § 3006A(a)(2) only requires appointment of counsel for a financially eligible person if "the interests of justice so require." United States v. Yousef, 395 F.3d 76, 77 (2d Cir. 2005) (per curiam) (citation omitted); cf. DesRosiers v. Moran, 949 F.2d 15, 24 (1st Cir. 1991) (district court has discretion to deny motion to appoint counsel filed by indigent civil litigant unless counsel's appointment is necessary to avoid fundamental unfairness). The rules governing federal habeas proceedings do not require counsel's appointment, unless an evidentiary hearing is warranted. See Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

Verenbec cites his indigency, high school education and lack of legal training, limited access to updated legal research materials, and the "complex legal issues" in his case as reasons for granting the motion. Verenbec's situation, however, presents no exceptional circumstance warranting an appointment of counsel. He has demonstrated an ability to analyze legal and factual issues clearly, critically, and persuasively in the documents he has filed in this court. No evidentiary hearing has been scheduled. The interests of justice do not require appointment of counsel to assist Verenbec in his § 2254 petition.

### **Conclusion**

The court denies the motion for an appointment of counsel (doc. no. 13), without prejudice to Verenbec refiling the motion if an evidentiary hearing is scheduled, or if he otherwise shows that the interests of justice and/or fundamental fairness warrant counsel's appointment.

SO ORDERED.

  

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Landya McCafferty  
United States Magistrate Judge

June 10, 2013

cc: Joel Verenbec, pro se

LBM:nmd